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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,784	01/26/2001	Hartmut Breuninger	1998CH017	5014

25255 7590 07/02/2003

CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE, NC 28205

EXAMINER

ELHILO, EISA B

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,784

Applicant(s)

BREUNINGER ET AL.

Examiner

Eisa B Elhilo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

- 1 This action is responsive to the amendment filed on May 12, 2003.
- 2 The rejection of claims 12-24 under 35 U.S.C. 112, 2nd paragraph, is withdrawn because of the applicant's amendment.
- 3 The rejection of claims 12-15, 17-19 and 22-24 under 35 U.S.C. 102(b) as being anticipated by Kayane et al. (US 4,548,612), is withdrawn because of the applicant's amendment, where the claims now require component (B) to be biuret.
- 4 The rejection of claims 16 and 20-21 under 35 U.S.C. 103(a) as being unpatentable over Kayane et al. (US 4,548,612), is withdrawn because of the applicant's amendment for the same reasons given in item No. 3.

NEW GROUND OF REJECTION

Claim Rejections - 35 USC § 103

- 5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayane et al. (US 4,548,612) in view of Yatake (US 5,560,770).

Kayane (US, 612) teaches an aqueous reactive dye composition comprising a halo-triazine compound of the formula (2) having a β -sulfatoethylsulfonyl group (see col. 7, formula (2)). The dyeing composition comprises 5 part (percentage) of the dye compound, urea as recited in claim 13 as (F1), thickener and 38% of water (see col. 17, example 15) and has a pH in the

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range of 4.5 to 6.5 which falls within the claimed range (see col. 3, lines 32-33). As regards to claim 20, it would have been obvious to one having ordinary skill in the art at the time of the invention to make such a composition because Kayane teaches dyeing composition comprising similar dyeing ingredients in the claimed amount wherein the composition has a pH value that falls within the claimed range and therefore, the composition should have similar concentration to those claimed. With regards to claim 22, Kayane teaches a method for dyeing or printing fiber materials, wherein the method comprises steps similar to those claimed such as contacting the fiber materials with the dye composition as described above (see col. 2, lines 9-12). Kayane further, teaches a process for the production of a dyeing composition (printing paste) wherein the composition may be prepared in a conventional manner using the thickener as claimed component (F) along with the conventional printing assistants such as urea (see col. 5, lines 1-5).

The instant claims differ from the reference by reciting an aqueous reactive-dye composition comprising a biuret component. The reference also silent about the viscosity of dyeing composition as claimed in claim 26.

However, the primary reference teaches a dyeing composition comprising urea component as a printing assistant (see col. 5, lines 2-4).

Yatake (US' 770) teaches in analogous art an ink composition comprising urea and/or urea derivatives such as biurea, biuret or tetramethylurea for improve print density and prevent clogging of ink delivery ports (see col. 3, lines 44-50).

Therefore, in view of the teaching of the secondary reference one having ordinary skill in the art would be motivated to modify the primary reference of Kayane by incorporating the biuret component as taught by Yatake to make such a composition with a reasonable expectation

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of success. Such modification would be obvious because the primary reference clearly teaches and suggests the use of urea component in the dyeing composition as a conventional printing assistant (see col. 5, lines 3-5) and Yatake (US' 770) as a secondary reference teaches clearly that the urea derivatives are used in the dyeing composition for improve print density and prevent clogging of ink delivery ports (printing assistant) (see col. 3, line 44-50), and thus, a person of the ordinary skill in the art would be motivated to use urea or any of the urea derivatives including biuret because they are taught equivalent by Yatake (see col. 3, lines 44-50) and would be expected to have similar properties to those claimed, absent unexpected results.

With respect to claim 26, it would have been obvious to one having ordinary skill in the art at the time of the invention to make a dyeing composition having viscosity similar to those claimed because the primary reference teaches an aqueous dyeing composition comprising dyeing ingredients in the claimed amount which are similar to the claimed dyeing ingredients and, thus, would be expected to have similar properties including viscosity.

Response to Applicant's Arguments

6 Applicant's arguments with respect to claims 12-26 have been considered but are moot in view of the new ground(s) of rejection.

7 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M - F (7:30-5:00) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Elhilo
June 17, 2003


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700